

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

JENA K. PAIGE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CV409-182
)	
THE UNITED STATES,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

Before the Court are plaintiff Jena Paige’s motion to amend her Federal Tort Claims Act (“FTCA”) complaint and defendant’s motion to dismiss her complaint. (Docs. 10 & 11.)

Paige’s untimely motion to amend asserts a claim of fraud against an Assistant Attorney General with the United States Department of Justice, Civil Rights Division, who was involved in processing an earlier, related case she had filed against the United States. (Doc. 10 at 1-4.) She contends that he committed fraud when he promised to endeavor to settle her case. (*Id.* at 2.) The claim is utterly frivolous, and leave to amend is **DENIED**. She also seeks to import a North Dakota statute of limitations into the case. (*Id.* at 4.) Leave to amend on that score is

also **DENIED**. As the Court has already explained, the statute of limitations applicable to FTCA actions arises from federal law, not North Dakota law. (Doc. 4.)

Defendant moves to dismiss this case for failure to state an FTCA claim and for lack of subject matter jurisdiction based upon the lapsing of the applicable statute of limitations. (Doc. 11.) For the same reasons explained in the Court's prior Report and Recommendation recommending dismissal (doc. 4), defendant's motion should be **GRANTED** and this case should be **DISMISSED**.

SO REPORTED AND RECOMMENDED this 22nd day of March, 2010.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT of GEORGIA